

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INTERMEC IP CORP., a Delaware	)	
corporation,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-357-GMS
	)	
SYMBOL TECHNOLOGIES, INC.,	)	<b>DEMAND FOR JURY TRIAL</b>
a Delaware corporation,	)	
	)	
Defendant.	)	
_____	)	

**REPLY OF INTERMEC IP CORP. TO THE AMENDED COUNTERCLAIMS OF  
SYMBOL TECHNOLOGIES, INC.**

Intermec IP Corp. (“Intermec”) replies to the numbered paragraphs of the Amended Counterclaims of Symbol Technologies, Inc. (“Symbol”) as follows:

45. Intermec admits that Symbol’s amended counterclaims purport to set forth claims under the patent laws of the United States and the Declaratory Judgment Act.

46. Intermec admits that this Court has jurisdiction over Symbol’s amended counterclaims under 28 U.S.C. §§ 1331, 1338(a) and 2201.

47. Intermec admits that this Court has personal jurisdiction over it.

48. Intermec admits that venue is proper in this district.

49. Upon information and belief, Intermec admits that Symbol is a Delaware corporation with a principal place of business at One Symbol Plaza, Holtsville, NY 11742. Intermec is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 49 of Symbol’s amended counterclaims.

50. Intermec admits that it is a Delaware corporation having its principal place of business at 6001 36th Ave. West, Everett, WA 98203.

51. Intermec admits that U.S. Patent No. 5,912,632 (“the ‘632 patent”) is entitled “Single Chip RF Tag Oscillator Synchronized By Base Station Modulation Frequency,” and was issued on June 15, 1999.

52. Intermec admits that U.S. Patent No. 5,528,222 (“the ‘222 patent”) is entitled “Radio Frequency Circuit And Memory In Thin Flexible Package,” and was issued on June 18, 1996.

53. Intermec admits that U.S. Patent No. 5,995,019 (“the ‘019 patent”) is entitled “Method For Communicating With RF Transponders,” and was issued on November 30, 1999.

54. Intermec admits that U.S. Patent No. 6,371,375 (“the ‘375 patent”) is entitled “Method And Apparatus For Associating Data With A Wireless Memory Device,” and was issued on April 16, 2002.

55. Intermec admits that it is the present owner of all rights and title to the ‘632, ‘222, ‘019 and ‘375 patents.

56. Intermec denies the allegations in paragraph 56 of Symbol’s amended counterclaims.

57. Intermec admits that a justiciable controversy exists concerning the validity and/or infringement of the ‘632, ‘222, ‘019 and ‘375 patents; otherwise denied.

**FIRST CLAIM FOR RELIEF AGAINST INTERMEC**  
**(Declaratory Judgment of Invalidity of**  
**the '632 Patent, the '222 Patent, the '019 Patent or the '375 Patent)**

58. Intermec restates and incorporates its responses to paragraphs 45-57 of Symbol's amended counterclaims as if fully set forth herein.

59. Intermec denies the allegations in paragraph 59 of Symbol's amended counterclaims.

60. Intermec denies the allegations in paragraph 60 of Symbol's amended counterclaims.

61. Intermec denies the allegations in paragraph 61 of Symbol's amended counterclaims.

62. Intermec denies the allegations in paragraph 62 of Symbol's amended counterclaims.

**SECOND CLAIM FOR RELIEF AGAINST INTERMEC**  
**(Declaratory Judgment of Noninfringement of**  
**the '632 Patent, the '222 Patent, the '019 Patent or the '375 Patent)**

63. Intermec restates and incorporates its responses to paragraphs 45-57 of Symbol's amended counterclaims as if fully set forth herein.

64. Intermec denies the allegations in paragraph 64 of Symbol's amended counterclaims.

65. Intermec denies the allegations in paragraph 65 of Symbol's amended counterclaims.

66. Intermec denies the allegations in paragraph 66 of Symbol's amended counterclaims.

67. Intermec denies the allegations in paragraph 67 of Symbol's amended counterclaims.

**PRAYER FOR RELIEF**

In addition to the relief prayed for in Intermec's Complaint, Intermec requests that this Court:

- A. Dismiss Symbol's amended counterclaims with prejudice and declare that the claims of the '632, '222, '019 and '375 patents are valid and infringed;
- B. Declare that this case is exceptional pursuant to 35 U.S.C. § 285, and award Intermec its costs and reasonable attorneys' fees; and
- C. Grant Intermec such other and further relief as the Court deems just and proper.

MORRIS, NICHOLS, ARSHT & TUNNELL

*/s/ Rodger D. Smith II*

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April 20, 2005

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**CERTIFICATE OF SERVICE**

I, Rodger D. Smith II, hereby certify that on April 20, 2005 I caused to be electronically filed the Reply Of Intermec IP Corp. To The Amended Counterclaims Of Symbol Technologies, Inc. with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

Karen L. Pascale, Esquire  
Bouchard, Margules & Friedlander  
222 Delaware Avenue  
Suite 1400  
Wilmington, DE 19801

I also certify that copies were caused to be served on April 20, 2005 upon the following in the manner indicated:

**BY HAND**

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**BY FEDERAL EXPRESS**

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